

Regular Session, 2010

SENATE BILL NO. 503

BY SENATOR CLAITOR

ADMINISTRATIVE PROCEDURE. Provides that the Department of Public Safety and Corrections is the only proper party defendant involving the judicial review of department administrative decisions. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 15:1177(A)(1)(b), relative to judicial review of certain
3 administrative actions; to provide that the Department of Public Safety and
4 Corrections is the only proper party defendant involving the judicial review of
5 department's administrative decisions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:1177(A)(1)(b) is hereby amended and reenacted to read as
8 follows:

9 §1177. Judicial review of administrative acts; exception

10 A. * * *

11 Any offender who is aggrieved by an adverse decision, excluding decisions
12 relative to delictual actions for injury or damages, by the Department of Public
13 Safety and Corrections or a contractor operating a private prison facility rendered
14 pursuant to any administrative remedy procedures under this Part may, within thirty
15 days after receipt of the decision, seek judicial review of the decision only in the
16 Nineteenth Judicial District Court or, if the offender is in the physical custody of the
17 sheriff, in the district court having jurisdiction in the parish in which the sheriff is

located, in the manner hereinafter provided:

(1)(a) * * *

(b) ~~In a judicial review of a disciplinary action taken against an offender by the Department of Public Safety and Corrections or a contractor operating a private prison facility, the only proper party defendant is the department.~~ **The only proper party defendant is the Department of Public Safety and Corrections when seeking judicial review of an administrative decision, excluding decisions relative to delictual actions for injury or damages, rendered pursuant to any administrative remedy procedures under this Part. For the purpose of this Subsection, the Department of Public Safety and Corrections means a correctional facility operated by the state of Louisiana or the Louisiana Correctional Facilities Corporation housing offenders sentenced to the custody of the Department of Public Safety and Corrections.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Claitor (SB 503)

Present law provides that in a judicial review of a disciplinary action taken against an offender by the Department of Public Safety and Corrections or a contractor operating a private prison facility, the only proper party defendant is the department.

Proposed law removes present law and provides that the only proper party defendant is the Department of Public Safety and Corrections when seeking judicial review of an administrative decision, excluding decisions relative to delictual actions for injury or damages, rendered pursuant to any administrative remedy procedures under this Part. For the purpose of present law, the department means a correctional facility operated by the state or the Louisiana Correctional Facilities Corporation housing offenders sentenced to the custody of the department.

Effective August 15, 2010.

(Amends R.S. 15:1177(A)(1)(b))